

filmcomment

CENSORSHIP in California

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CENSOR

This fall the movie industry has been involved in the fight against Proposition 18, the "anti-smut" initiative on the California ballot. Most observers think the measure will fail, though they are quick to add, "In California, anything can happen."** Close to 400,000 people did sign the initiative petition. Ronald Reagan has endorsed it, and Pat Boone is crusading for it, appearing on TV spots—in between his milk commercials—and planning a benefit concert at Disneyland shortly before the election. No matter what the fate of Proposition 18, it may well serve as a model for other states and municipalities contemplating censorship legislation, and it probably foreshadows a great many more battles during the next several years. It is one of the most sweeping anti-obscenity measures ever proposed.

Proposition 18 would amend the California Supreme Court's liberal definition of obscenity, eliminating the "redeeming social importance" test altogether and allowing each community to set its own obscenity standards. Thus a movie showing in Hollywood could be banned in Santa Monica. The statute would make it a crime to produce, distribute or exhibit a movie showing any sexual conduct or nudity, or utilizing "obscenities" in dialogue or song lyrics. If it can be established that these items are only "minor or incidental" parts of the work as a whole, the films might possibly be cleared, but under this proposal the burden of proof would be on the defendant. Not only could police seize the movie without a search warrant, but any irate bluenose could make a citizens' arrest. So the chance to harass exhibitors would be greater than ever.

Supporters of the initiative are hoping that the word "obscenity" will be enough to hook all the people frightened of the expanding freedoms of the last few years. Opponents include Jack Valenti and the Association of Motion Picture and Television Producers, John Gavin and the Screen Actors Guild, and the National Association of Theater Owners, and they have put a good deal of money into fighting the measure. They are not attempting to make a case for absolute freedom of the screen. Instead their billboards read "No on Obscenity! No on Censorship!" They are conducting a straightforward informational campaign, working to let people know that the 6000-word proposition, while billed as an

"obscenity" measure, would also ban such popular movies as *CABARET*, *THE GODFATHER*, and *M*A*S*H*, not to mention *Playboy* magazine and Michelangelo's David. Actually, almost all the major movies of the last few years would be open to prosecution under this statute. Even John Wayne has spoken out against the amendment, for several of his recent movies contain language that could conceivably be actionable.

Right now hard-core porno is exhibited all over Los Angeles—not just in the seedy center of Hollywood, but in the suburban communities in the conservative San Fernando Valley and the even more conservative Orange County. Police have given up trying to badger these theaters, and at present adults in California can see almost anything that they choose to see. The irony is that although porno is generally available, the gap between porno movies and major Hollywood movies is widening, not narrowing as the smut-hunters fear. This is chiefly a result of pressures exerted by the indefatigable Dr. Aaron Stern and his diligent, obedient staff of censors. The MPAA Rating Board never even sees most of the porno movies. But the board is careful to see that all other movies are shorn of their explicit sex. With the board's standards tightening, any sexual intercourse results in an X rating, while a film today gets an R for just a couple of audible "fuck"s (*FILLMORE*, *LADY SINGS THE BLUES*) or a flash of bare breast (*THE NEW CENTURIONS*, *THE KING OF MARVIN GARDENS*). Not a single X-rated film has appeared on MPAA rating bulletins over the last few months; the last major studio film to be rated X was *CLOCKWORK ORANGE*, at the end of 1971. (As I write, *LAST TANGO IN PARIS*—which may be the next crucial test-case film—has not yet been submitted for rating. Those who have seen it say it will probably receive an X, and the word is that United Artists, the film's distributor, would then release it uncut—as an X.)

The recent announcement that Kubrick is altering *CLOCKWORK ORANGE* in return for an R rating only intensifies the problem. If the revered Kubrick bends to the whims of Dr. Stern, who will be able to resist? In a sense Kubrick has acknowledged to the industry that the economic burden of the X rating is simply too great to bear for the sake of moral or artistic scruples. (In point of fact *CLOCKWORK ORANGE* was very successful as an X picture, but even the most prestigious X movies lose a great many bookings because of their X, and Kubrick's computers must

**Proposition 18 was defeated at the polls. —editor

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have predicted a big bonus in earnings if the rating could be changed to R.) The studios are sure to get the message, and will probably not take a chance on another X movie. Most movies will be toned down—with the help of Dr. Stern and staff—before they go into production, but if something should slip through, the scissors will be applied later. The "ratings clause" included in virtually all studio contracts—requiring the director to make any cuts necessary to avoid an X rating—effectively strangles the filmmaker.

It is interesting, however, that the movies supported by today's audience are by and large the stronger movies available. As an X movie *CLOCKWORK ORANGE* was one of the year's top grossers, while most of the other successful movies have been R-rated—*THE GODFATHER*, *FRENZY*, *SUPER FLY*, *DELIVERANCE*, *THE NEW CENTURIONS*, *EVERYTHING YOU WANTED TO KNOW ABOUT SEX*. In spite of this, the exhibitors continue to beg for more G and PG movies, insisting that sex and violence are keeping the spectators away. They seem determined to shove "clean" movies down our throats.

About the strongest films produced within the industry are the specialized urban black films. ("Blaxploitation" is the trade moniker.) They are more explicit than most other current movies in terms of sex, violence, and language; movies like *SUPER FLY*, *MELINDA*, *SLAUGHTER*, and *SHAFT'S BIG SCORE* have the only moderately graphic and erotic sex scenes in current big-studio movies. (The soapy bathtub scene in *SUPER FLY* is about the best in the genre.) These movies are also under pressure, but from an unexpected source. A number of influential black leaders and civic groups—Jesse Jackson, CORE, NAACP, and a newly-formed industry Coalition Against Blaxploitation—are protesting the image of blacks in these melodramas, the emphasis on the sordid side of black life, and the glamorization of dope pushers, prostitutes, gangsters, and super-tuds. Many of their objections are valid. Most of the new black movies are dreadful. Like all exploitation movies, they underestimate their audience; the studio executives have calculated the market, and they don't want to take chances by deviating from proven formulas. In addition, the civic groups are right to protest the fact that these movies employ too few blacks behind the camera.

Still, there are some serious questions to be asked about the protests. *SOUNDER* is being trum-

peted as a model of what a black movie should be—clean, wholesome, dignified, "positive" in its image of black family life. It might be pointed out that many of the "blaxploitation" movies (*SHAFT*, *COTTON COMES TO HARLEM* and its sequel *COME BACK, CHARLESTON BLUE*, *SWEETBACK*, *MELINDA*, *SUPER FLY*) were directed by blacks, while the sanctimonious *SOUNDER* was directed and produced by whites. *SOUNDER* projects the "dignified" black image that white liberals want to see, while the *SWEETBACKS* and the *SUPER FLYS* are probably truer to ghetto realities, and to the angry, antisocial fantasies of the contemporary black audience.

What particularly disturbs me about the current protests is that some of the black groups are demanding the right to read scripts before they go into production, to make sure they present the "correct" image of black life. A new rating system for black movies has also been proposed. Once again a minority is offering to cleanse films in the "best interests" of the majority. Of course it isn't difficult to come up with sophisticated rationalizations for censorship. According to the protest groups, the fact that black audiences flock to *SHAFT* and *SUPER FLY* is only a symptom of racial oppression. In other words, black audiences don't know what's *really* good for them. People will be brow-beaten, intimidated, shamed into going to see *SOUNDER* so the civic groups can "prove" their point that the black audience prefers more wholesome films. The facts still belie that conclusion, but the determination of moralists—black or white—should never be underestimated.

In the past our movies have been emasculated because of the studios' greed. At this moment, ironically, their greed may be the only protection from the well-intentioned crusaders. The industry would probably like the stronger movies to fail. The exhibitors want audiences to support family films. But they will not ignore the message of the cash register. If audiences continue to buy stronger movies, even with all the intimidation, that fact will reach the front offices. It is always dangerous to follow the box office, but right now economic considerations may help to prevent a total surrender to the censors. The next few months, however, will see some crucial test cases on censorship, and if the voters or the courts turn the clock back to pre-permissive standards, nothing will be able to block the repressive backlash.

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